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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,917	10/27/2000	Toshiyuki Arai	7217/62205	3856
7590	02/23/2006		EXAMINER	RODRIGUEZ, GLENDA P
JAY H. MAIOLI Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			ART UNIT	PAPER NUMBER
			2651	
				DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/697,917	ARAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Glenda P. Rodriguez	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2005.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13, 15-28, 30-39, 41-52 and 54-56 is/are pending in the application.  
 4a) Of the above claim(s) 6, 14, 40, 53 is/are withdrawn from consideration.  
 5) Claim(s) 33-48 and 52 is/are allowed.  
 6) Claim(s) 1-3, 5, 7-11, 15, 17, 18, 22, 27, 50, 51 and 54-56 is/are rejected.  
 7) Claim(s) 4, 8, 13, 16, 19-21, 24-26, 28, 30-32 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-12, 17-18, 27, 50, 51, 54-56 rejected under 35 U.S.C. 103(a) as being unpatentable over Kool et al. (US Patent No. 6, 449, 111) in view of Contreras et al. (US Patent No. 5, 995, 306).

Regarding Claim 1, Kool et al. teach an apparatus for writing and reproducing data comprising:

Processing means for processing inputted data and producing processed data (Element 170);

Storage means for storing said processed data in a storage medium (Element 112, which are storage disks.);

Decompression means for decompressing processed data stored in said storage medium and producing decompressed data (Col. 14, L. 14-60, wherein Kool et al. teaches decompression from LZ data.);

Reproducing means for reproducing said decompressed data (Head Element 114 is used for reading and writing);

Control means for controlling said storage means to store data (Element 140).

However, Kool et al. does not exclusively teach wherein the reproducing means are reproducing while new input is being processed by the processing means and that the control means stores new data during reproduction. Contreras et al. teaches a read/write circuitry wherein the data is read while new written is being processed by the writing circuitry (Also known as read-after-write or RAW) as disclosed in Col. 33, L. 18-41. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Kool et al.'s invention with the teaching of Contreras et al. in order to detect defective written frames as disclosed in the Summary of Contreras et al.

Regarding Apparatus Claims 18, 51, 54, 55 and 56, it contains the same limitations as Apparatus Claim 1 and hence is rejected under the same basis as stated above.

Regarding Claim 9, the combination of Kool et al. and Contreras et al. teach all the limitations of Claim 1. The combination further teach wherein a reading out means for reading out data stored in a second storage medium and producing read-out data, wherein said processing means inputs said read out data and processes said read-out data (See Fig. 1 of Kool et al., wherein it teaches a plurality of disks in which the readh heads 114 are able to read-out data.).

Regarding Claims 10 and 17, the combination of Kool et al. and Contreras et al. teach all the limitations of Claims 9 and 1 respectively. The combination further teach a hard disk medium with disc shape mediums in Element 112 in Kool et al.)

Regarding Claim 11, the combination of Kool et al. and Contreras et al. teach all the limitations of Claim 9. The combination further teach wherein comprising non-volatile memory in Col. 15, L. 20-22 of Kool et al.

Regarding Claims 12 and 27, the combination of Kool et al. and Contreras et al. teach all the limitations of Claims 1 and 18, respectively. The combination further teaches said processing means include means for processing data from an external source via communication lines (the host device 165 is an external source which requests and makes data transfers to the storage medium).

Method claim (50) is drawn to the method of using the corresponding apparatus claimed in claims (1, 18, 51, 54-56). Therefore method claim (50) corresponds to apparatus claims (1, 18, 51, 54-56) and is rejected for the same reasons of obviousness as used above.

3. Claim 2, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kool et al. and Contreras et al. as applied to claim 1 above, and further in view of Mitsuno et al. (US Patent No. 5, 590, 108).

Regarding Claims 2 and 7, the combination of Kool et al. and Contreras teaches all the limitations of Claim 1. However, the combination does not explicitly teach wherein the data inputted in compressed into a certain format. Mitsuno et al. teaches this limitation in Col. 13, L. 16-24. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the combination's invention with the teaching of Mitsuno et al. in order to compress data in a more efficiently media as described in the Summary of Mitsuno et al.

Regarding Claim 3, the combination of Kool et al., Contreras et al. and Mitsuno et al. teach all the limitations of Claim 2. The combination further teaches compressing and decompressing the data as described (Col. 14, L. 14-60 of Kool et al.).

4. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kool et al., Contreras et al. and Mitsuno et al. as applied to claim 2 above, and further in view of Naimpally (US Patent No. 5, 589, 993).

Regarding Claims 5 and 22, the combination teaches all the limitations of Claim 2. However, the combination does not explicitly teach wherein MPEG format is utilized. Naimpally teaches this limitation in Col. 6, L. 12, which is an MPEG encoder. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the combination's invention with the teaching of Naimpally in order to use MPEG formatting scheme as described by Naimpally in Col. 2, L. 32-35.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kool et al. and Contreras et al. as applied to claim 1 above, and further in view of Garza (US Patent No. 5, 739, 979). The combination further teach all the limitations of Claim 1. However, the combination does not teach a removable media. This limitation is taught by Garza in Fig. 1, wherein the removable media (a floppy disk) is illustrated. It would have been obvious to person of ordinary skill in the art, at the time the invention was made, to modify the combination's invention with the teaching of Garza in order to be able to move data from one place to another.

#### *Allowable Subject Matter*

6. Claims 4, 8, 13, 16, 19-21, 24-26, 28, 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 33-39, 41-48 and 52 are allowed.

Art Unit: 2651

The following is an examiner's statement of reasons for allowance: control means for controlling said outputting means to output said output data during reproducing of the data by said reproducing means, wherein the reproduced data can be reproduced different data than the output data produced by said outputting means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Response to Arguments*

8. Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection due to the newly amended Claims.
9. Examiner acknowledges that Claims 14, 29, 40 and 53 have been cancelled.
10. Examiner acknowledges that Claims 6, 23 and 49, have been withdrawn from consideration.

*Conclusion*

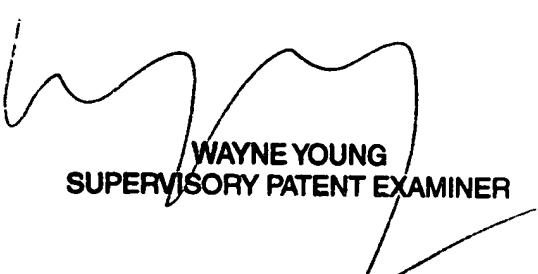
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (571) 272-7561. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gpt  
02/13/06.



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**SUPERVISORY PATENT EXAMINER**